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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,763	12/19/2000	Uwe Hansmann	DE919990078	5393

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EXAMINER	
KANG, INSUN	

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,763	HANSMANN ET AL.	
	Examiner	Art Unit	
	Insun Kang	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

TODD INGBERG
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 10/20/2005.

2. As per applicant's request, claims 5-11 and 13-16 have been amended and claims 17-18 have been added. Claims 1-18 are pending in the application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-6 are non-statutory because they are directed to a "method" without recitation of a computer or a computer-readable medium embodying the claimed instructions. The claims merely recite a "method" that is disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed steps of providing a set of software components, assigning and storing an identifier as recited. Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson et al. (PGPub. 20030023954) hereinafter referred to as "Wilkinson."

Per claim 1:

Wilkinson discloses:

-providing a set of software components out of which a software application to be executed by an apparatus comprising processor means and memory means can be partly or entirely assembled (i.e. 0020)

-said software components are self-contained, reusable software units that can be visually composed into applets or applications using visual application builder tools (i.e. 0073)

-assigning a different numeric identifier to each component of said set of software components (i.e. 0022)

-and storing each assigned numeric identifier in the corresponding component (i.e. 0022)

as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, further, Wilkinson discloses that the numeric identifier comprises a bit-length of 8 or 16 bit (i.e. 0020, "Smart card").

Per claim 3:

The rejection of claim 1 is incorporated, further, Wilkinson discloses:

-loading two or more software components of said set of software components into said memory means of said apparatus, and storing said two or more software components therein (i.e. 0037) as claimed.

Per claim 4:

The rejection of claim 3 is incorporated, further, Wilkinson discloses:

-loading said software application into said apparatus and storing said software application in said memory means; providing means for instantiating said loaded components upon request of said software application ; loading said means for instantiating into said apparatus; and storing said means for instantiating in said memory means (i.e. 0037) as claimed.

Per claim 5:

The rejection of claim 1 is incorporated, further, Wilkinson discloses providing said apparatus with a full Virtual Machine being able to execute every instruction for a predetermined object-oriented programming language (i.e. 0038) as claimed.

Per claim 6:

The rejection of claim 1 is incorporated, further, Wilkinson discloses

-providing said apparatus with a limited Virtual Machine being able to execute only certain Java instructions for a predetermined object-oriented programming language (i.e. 0058, "card Java virtual machine") as claimed.

Per claims 7, 8, and 17, they are the system versions of claims 1, 3, and 4, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 3, and 4 above.

Per claims 9, 10, and 18, they are the computer program product versions of claims 1, 3, and 4, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 3, and 4 above.

Per claim 11, it is the device version of claim 2, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 2 above.

Per claim 12, this claim is device version of the claimed method discussed in claim 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 13:

The rejection of claim 11 is incorporated, further, Wilkinson discloses that the device comprises at least one of a chip card, Smart Card, a set-top box and a Personal Digital Assistant (i.e. Smart card, 0020) as claimed.

Per claim 14:

The rejection of claim 1 is incorporated, further, Wilkinson discloses that said set of software components is at least one of being, subsequent to being partly or entirely assembled into the software application, updated by updating at least one software component of the set of software components and supplemented by adding at least one software component to the set of software components (i.e. 0078) as claimed.

Per claim 15, it is the device version of claim 14, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 14 above.

Per claim 16:

Wilkinson discloses providing said apparatus with a limited Java Virtual Machine being able to execute only a subset of instructions for a predetermined object-oriented programming language, wherein the set of software components is accessible by the subset of instructions; and accessing, by said apparatus with a limited Virtual Machine for the predetermined object-oriented programming language (i.e. "card Java virtual machine," 0058), a full Java Virtual Machine residing at a computing unit coupled to said apparatus, said accessing allowing said apparatus to execute additional instructions of the predetermined object-oriented programming language (i.e. 0078) as claimed.

Response to Amendment

7. Per claim 9, "the steps of claim 4," in line 2 was not previously presented. "the steps of claim 1" was previously presented in the amendment filed 3/23/2005. Applicant's explanation is requested.

Response to Arguments

8. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. Kang
AU 2193

TODD INGBERG
PRIMARY EXAMINER